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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/30/2003

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EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,829	<b>Applicant(s)</b> ISHIZUKA ET AL.	
	<b>Examiner</b> Y. Lee	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/08 has been entered.

### ***Election/Restrictions***

2. Claims 6-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/2/07.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

4. The drawings were received on 7/19/07. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 11 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Applicant's admitted prior art (AAPA) for the same reasons as set forth in Section 10 of the previous office action, dated 3/19/07.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Elbaz et al (2004/0042553).

AAPA, in Figures 1 and 2, discloses substantially the same data encoding/decoding apparatus as specified in claims 1-5 of the present invention, comprising a decoder 16 decoding a coded stream, which is formed in a first format and inputted on real time, to generate video data and audio data; a video output memory 13 storing the video data from the decoder; an audio output memory 15 storing the audio data from the decoder; a video input memory 3 storing video

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data which is externally supplied to the data encoding/decoding apparatus (e.g. Video Input Signal); an audio input memory 5 storing audio data which is externally supplied to the data encoding/decoding apparatus (e.g. Audio Input Signal); a first data path (e.g. elements 13-12-2) and second data path (e.g. elements 15-14-4) provided to connect the decoder 16 to the input memories (3, 5), when the coded stream (e.g. input stream IN) of the first format is transcoded 6 to generate a second stream (e.g. encode stream OUT) formed in a second format; and an encoder 6 encoding the video data from the video input memory and the audio data from the audio input memory to generate the second stream of the second format.

With respect to claims 2-5, when the transcoding is performed, the first data path and the second data path are set from OFF state to ON state, so that the video data output from the decoder is stored in the video input memory 3 through the first data path and the audio data output from the decoder is stored in the audio input memory 5 through the second data path; a video output interface 12 outputting the video data stored in the video output memory to an external device in a predetermined format at predetermined times; and an audio output interface 14 outputting the audio data stored in the audio output memory to an exterior device in a predetermined format at predetermined times; a video input interface 2 storing in the video input memory video data which is inputted from an external device at predetermined times; and an audio input interface 4 storing in the audio input memory audio data which is inputted from an external device at predetermined times; a clock generating unit 8 generating a clock signal for circuit components of the data encoding/decoding apparatus wherein the clock signal from the clock generating unit is supplies to each circuit component without adjusting a phase of the clock signal based on clock reference information of the coded stream inputted on real time (Fig. 2).

It is noted AAPA differs from the present invention in that it fails to particularly disclose the decoder directly connected to the input memories as specified in claims 1-5. Elbaz et al however, in Figures 1 and 3, teaches the concept of such arrangement in a data encoding/decoding apparatus without adjusting the phase of the clock signal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of AAPA and Elbaz et al before him/her, to exploit the well known transcoding set up as taught by Elbaz et al in the data encoding/decoding apparatus of AAPA in order to reduce delays resulting from video transcoding and continuous presence and provide an improved real-time performance in processing video data streams.

#### ***Response to Arguments***

10. Applicant's arguments filed 2/4/08 have been fully considered but they are not persuasive. Applicant asserts AAPA fails to disclose receiving data directly from the decoder as specified in claim 11. However, it is noted this limitation is only recited in the alternative form.

11. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. Lee/  
Primary Examiner  
Art Unit 2621

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